





State Water Resources Control Board

Division of Drinking Water

January 31, 2017

PWS No. 3100034

Certified Mail Return/Receipt No. 7009 2250 0004 3622 0376

Tom Skjelstad General Manager Donner Summit Public Utility District – Big Bend 53823 Sherrit Lane Soda Springs, CA 95728

DONNER SUMMIT PUBLIC UTILITY DISTRICT – BIG BEND PUBLIC WATER SYSTEM (PWS No. 3100034)

CITATION No. 01_09_17C_002

Enclosed is the Division of Drinking Water Citation No. 01_09_17C_002 issued to the Donner Summit Public Utility District – Big Bend public water system (PWS# 3100034). Please note there are certain deadlines associated with this Citation.

If you have any questions, please feel free to contact Salvador Turrubiartes at (916) 552-9998 or via email at Salvador.turrubiartes@Waterboards.ca.gov.

Sincerely,

Ali R. Rezvani, P.E., Sacramento District Engineer

Division of Drinking Water

STATE WATER RESOURCES CONTROL BOARD

Enclosures

cc: Salvador Turrubiartes P.E. - Associate Sanitary Engineer

Catrie Levenson, REHS, PHM Environmental Health Specialist

County of Nevada Environmental Health Division

950 Maidu Avenue

Nevada City, CA 95959-8617

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

1 STATE OF CALIFORNIA WATER RESOURCES CONTROL BOARD 2 DIVISION OF DRINKING WATER 3 4 5 TO: Donner Summit Public Utilities District - Big Bend 6 53823 Sherrit Lane 7 Soda Springs, CA 95728 8 9 Attn: Tom Skjelstad, General Manager 10 Donner Summit Public Utilities District – Big Bend 11 CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS. 12 13 TITLE 22, DIVISION 4, CHAPTER 15, ARTICLE 3, SECTION 64426.1 14 WATER SYSTEM NO. 3400034 CITATION NO. 01-09-17C-002 15 16 Issued on January 31, 2017 17 18 Section 116650 of the California Health and Safety Code (CHSC) authorizes the 19 issuance of a citation to a public water system for violation of the California Safe 20 Drinking Water Act (Health and Safety Code, Division 104, Part 12, Chapter 4, 21 commencing with Section 116270) (hereinafter "California SDWA"), or any regulation, 22 standard, permit or order issued or adopted thereunder. 23 24 In accordance with CHSC, Division 104, Part 12, Chapter 4, Article 1, Section 25 116271, the State Water Resources Control Board, acting by and through its Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division 26 27 (hereinafter "Deputy Director"), hereby issues a citation to the Donner Summit Public



1	
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	

Utilities District - Big Bend public water system (PWS# 3100034) (hereinafter, Water
System) (53823 Sherrit Lane, Soda Springs, CA 95728) for violation of California
Code of Regulations (CCR), Title 22, Division 4, Article 3, Section 64426.1.

constituting the violation. subdivision(e).

APPLICABLE AUTHORITIES

CHSC, Division 104, Part 12, Chapter 4, Article 1, Section 116275(b) & (ac) in relevant parts states:

- (b) "Department" means the state board.
- (ac) "State board" means the State Water Resources Control Board.

CHSC, Division 104, Part 12, Chapter 4, Article 9, Section 116650 states:

- (a) If the state board determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the state board may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.
- (b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.
- (c) A citation may specify a date for elimination or correction of the condition
- (d) A citation may include the assessment of a penalty as specified in

21

(e) The state board may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation and shall be in addition to any liability or penalty imposed under any other law.

CCR, Title 22, Division 4, Chapter 16, Article 3, Section 64423 in relevant parts states:

- (a) Each water supplier shall collect routine bacteriological water samples as follows:
 - (3) The minimum number of samples for transient-noncommunity water systems using groundwater and serving 1000 or fewer persons a month shall be one in each calendar quarter during which the system provides water to the public.
- (c) If any routine, repeat, or replacement sample is total coliform-positive, then the water supplier shall collect repeat samples in accordance with Section 64424 and comply with the reporting requirements specified in Sections 64426 and 64426.1

Table 64423-A Minimum Number of Routine Total Coliform Samples

Monthly Population	Service Connections	Minimum Number of
Served		Samples
25 to 1000	15 to 400	1 per month
1,001 to 2,500	401 to 890	2 per month
2,501 to 3,300	891 to 1,180	3 per month
3,301 to 4,100	1,181 to 1,460	4 per month
4,101 to 4,900	1,461 to 1,750	5 per month
4,901 to 5,800	1,751 to 2,100	6 per month
5,801 to 6,700	2,101 to 2,400	7 per month
6,701 to 7,600	2,401 to 2,700	2 per week
7,601 to 12,900	2,701 to 4,600	3 per week
12,901 to 17,200	4,601 to 6,100	4 per week



CCR, Title 22, Division 4, Chapter 16, Article 3, Section 64424 in relevant parts states:

4

5

6

7

8

3

(a) If a routine sample is total coliform-positive, the water supplier shall collect a repeat sample set as described in paragraph (1) within 24 hours of being notified of the positive result. The repeat samples shall all be collected within the same 24 hour time period. A single service connection system may request that the State Board allow the collection of the repeat sample set over a fourday period.

9 10 11

12

13

(1) For a water supplier that normally collects more than one routine sample a month, a repeat sample set shall be at least three samples for each total coliform-positive sample. For a water supplier that normally collects one or



fewer samples per month, a repeat sample set shall be at least four samples for each total coliform-positive sample.

- (2) If the water supplier is unable to collect the samples within the 24-hour time period specified in subsection (a) or deliver the samples to the laboratory within 24 hours after collection because of circumstances beyond its control, the water supplier shall notify the State Board within 24 hours. The State Board will then determine how much time the supplier will have to collect the repeat samples.
- (b) When collecting the repeat sample set, the water supplier shall collect at least one repeat sample from the sampling tap where the original total coliform-positive sample was taken. Other repeat samples shall be collected within five service connections upstream or downstream of the original site. At least one sample shall be from upstream and one from downstream unless there is no upstream and/or downstream service connection.
- (c) If one or more samples in the repeat sample set is total coliform-positive, the water supplier shall collect and have analyzed an additional set of repeat samples as specified in subsections (a) and (b). The supplier shall repeat this process until either no coliforms are detected in one complete repeat sample set or the supplier determines that the MCL for total coliforms specified in Section 64426.1 has been exceeded and notifies the State Board.
- (d) If a public water system for which fewer than five routine samples/month are collected has one or more total coliform-positive samples, the water supplier shall collect at least five routine samples the following month. If the supplier stops supplying water during the month after the total coliform-positive(s), at least five samples shall be collected during the first month the system resumes operation. A water supplier may request the State Board waive the requirement to collect at least five routine samples the following month, but a waiver will not



be granted solely on the basis that all repeat samples are total coliformnegative. To request a waiver, one of the following conditions shall be met:

- (1) The State Board conducts a site visit before the end of the next month the system provides water to the public to determine whether additional monitoring and/or corrective action is necessary to protect public health.
- (2) The State Board determines why the sample was total coliform-positive and establishes that the system has corrective the problem or will correct the problem before the end of the next month the system serves water to the public. If a waiver is granted, a system shall collect at least one routine sample before the end of the next month it serves water to the public and uses it to determine compliance with Section 64426.1.

CCR, Title 22, Division 4, Chapter 16, Article 3, Section 64426.1 in relevant parts states:

- (a) Results of all samples collected in a calendar month pursuant to Sections 64423, 64424, and 64425 that are not invalidated by the State Board or the laboratory shall be included in determining compliance with the total coliform MCL. Special purpose samples such as those listed in section 64421(b) and samples collected by the water supplier during special investigations shall not be used to determine compliance with the total coliform MCL.
- (b) A public water system is in violation of the total coliform MCL when any of the following occurs:
 - (2) For a public water system which collects fewer than 40 samples per month, more than one sample collected during any month are total coliform-positive; or



(c) If a public water system is not in compliance with paragraphs (b)(1) through (4), during any month in which it supplies water to the public, the water supplier shall notify the State Board by the end of the business day on which this is determined, unless the determination occurs after the State Board office is closed, in which case the supplier shall also notify the State Board within 24 hours of the determination. The water supplier shall also notify the consumers served by the water system. A Tier 2 Public Notice shall be given for violations of paragraphs (b)(1) or (2), pursuant to section 64463.4. A Tier 1 Public Notice shall be given for violations of paragraphs (b)(3) or (4), pursuant to section 64463.1.

STATEMENT OF FACTS

14

The Water System is classified as a Transient Non-Community Water System. The Water System serves a small community of service connections in the unincorporated area of Placer County. Donner Summit Public Utilities District (PUD) annexed the Water System in June of 2013, under Resolution No. 2013-03. The Water System serves approximately 38 service connections and the only source of water supply is Horizontal Well 1996 (Source No. 3100034-002). According to the 2015 Annual Report, the water system serves approximately 55 people through 38 active service connections.

23

24

25

26

22

20

21

The Water System, according to Section 64423 of Title 22, is required to collect one sample per calendar quarter for analysis of coliform bacteria content to determine compliance with the MCL for total and fecal coliform bacteria. According to the Water System records one sample is collected quarterly for bacteriological analysis.



samples for bacteriological monitoring. All water samples were total coliform-positive.

4 The results are summarized in Table 1.

Table 1 – Bacteriological Sample Summary during November 2016

Sample		Total Coliform	Fecal Coliform	E.coli	Comment:
Date:	Site ID:	(MPN/100mL)	(MPN/100mL)	(MPN/100mL)	
11/7/2016	161107N009	23	N.D.	N.D.	
11/14/2016	1611140007	30	N.D.	N.D.	
11/21/2016	161121N007	49	N.D.	N.D.	
11/28/2016	111128N003	8	N.D.	N.D.	

NOTE: N.D. = Not detected; analyte not detected at or above the method detection limit of 2 MPN/100mL

On November 22, 2016, the Division contacted the Water System to verify that Water System collected five routine samples for the month of November 2016, in accordance to the TCR. The Water System also stated that the chlorination system has not yet been installed.

On November 22, 2016, the Division issued Citation No. 01-09-16C-006, and directed the Water System to collect five (5) routine samples during the month of November 2016 and submit the results to the Division by December 10, 2016.

With respect to water sample analysis results collected during November 2016, the Water System failed to comply with the MCL of the TCR during the month of November 2016.

Page 8 of 13

During the month of December 2016, the Water System collected six routine water samples for bacteriological monitoring. Five of the six samples were total coliform-positive, E.coli- and Fecal coliform-negative. The results are summarized in Table 2.

Table 2 – Bacteriological Sample Summary during December 2016

Sample		Total Coliform	Fecal Coliform	E.coli	Comment:
Date:	Site ID:	(MPN/100mL)	(MPN/100mL)	(MPN/100mL)	
12/5/2016	1612050002	23	N.D.	N.D.	
12/12/2016	1612120003	13	N.D.	N.D.	
12/13/2016	1612130002	220	N.D.	N.D.	
12/13/2016	1612130003	110	N.D.	N.D.	
12/13/2016	1612130004	23	N.D.	N.D.	
12/27/2016	161227Q004	N.D.	N.D.	N.D.	

NOTE: N.D. = Not detected; analyte not detected at or above the method detection limit of 2 MPN/100mL

On January 6, 2017, the Division contacted the Water System via email and directed the Water System to collect five (5) routine samples during the month of January 2017, in accordance to the TCR. The Water System also stated that the chlorination system has not yet been installed.

With respect to water sample analysis results collected during December 2016, the Water System failed to comply with the MCL of the TCR during the month of December 2016.

DETERMINATION

The Water System has failed to comply with MCL of the TCR regulations for the Donner Summit Public Utilities District – Big Bend public water system distribution samples in the month November 2016 and December 2016. Consequently, the



1	Division has determined that the Water System violated Sections 64424 and 64426.1,
2	Article 3, Chapter 15, Division 4, Title 22 of the CCR for the month of November 2016.
3	The Division has determined that the Water System violated Section 64426.1, Article
4	3, Chapter 15, Division 4, Title 22 of the CCR for the month of December 2016.
5	
6	<u>DIRECTIVES</u>
7	
-8	The Water System is hereby directed to take the following actions:
9	
10	1. Comply with Section 64424 and Section 64426.1, Article 3, Chapter 15,
11	Division 4, Title 22 of the CCR in future monitoring periods.
12	
13	2. The Water System must collect five (5) routine samples during the month of
14	January 2017 and submit the results to the Division postmarked by February
15	10, 2017.
16	2. Within 20 days of the inquence of this Citation, notify all paragraphs convod by the
17 18	3. Within 30 days of the issuance of this Citation, notify all persons served by the
19	Donner Summit Public Utilities District – Big Bend public water system of the
	MCL violation as required by Section 64426.1(c), Article 3, Chapter 15, Division
20	4, Title 22, of the CCR. Notification shall be completed in accordance with each of the following:
21 22	of the following.
23	a. Mail or direct delivery of the notice contained in Attachment 'A' to each
23	customer receiving a bill including those that provide their drinking water to
	others (e.g., schools or school systems, apartment building owners, or large
25	
26 27	private employers), and other service connections to which water is

Page 10 of 13



COURT PAPER STATE OF CALIFORNIA STD. 113 (REV. 3-95) OSP 98 10924

b.	Provide the notice contained in Attachment 'A' to customers using one or
	more of the following methods to reach persons not likely to be reached by
	a public posting:

- i. Publication in a local newspaper,
- ii. Posting in conspicuous public places within the service area,
- iii. Posting on the Internet, or
- iv. Delivery to community organizations.

Changes and/or modifications to Attachment 'A' shall not be made unless approved by the Division.

- 4. Complete and return Attachment 'B' "Certification of Completion of Public Notification" form within 10 days of receipt of giving public notice. A copy of the notice used to provide public notification shall be attached to the form.
- Within 30 days of receipt of this Citation, the Water System shall submit a
 written response to the Division indicating its willingness to comply with
 directives of this Citation.

The Division reserves the right to make such modifications to this Citation as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Citation, and shall be deemed effective upon issuance.

Nothing in this Citation relieves Donner Summit Public Utilities District – Big Bend of its obligation to meet the requirements of the California Safe Drinking Water Act (SDWA), or of any regulation, permit, standard, or order issued or adopted thereunder.

1	
2	All submittals required by this Citation shall be submitted to the Division at the
3	following address:
4 5 6 7 8 9 10 11	Ali R. Rezvani, P.E. Sacramento District Engineer Division of Drinking Water State Water Resources Control Board 1001 I Street 17 th Floor Sacramento, CA 95814 (916) 449-5600
12 13	PARTIES BOUND
13	<u>FARTIES BOOND</u>
15	This Citation shall apply to and be binding upon the Donner Summit Public Utilities
16 17	District, its officers, directors, shareholders, agents, employees, contractors, successors, and assignees.
18	successors, and assignees.
19	SEVERABILITY
20	<u>OLVLIO (BILITI</u>
21	The Directives of this Citation are severable, and the Donner Summit Public Utilities
22	District – Big Bend shall comply with each and every provision thereof,
23	notwithstanding the effectiveness of any other provision.
24	
25	FURTHER ENFORCEMENT ACTION
26	
27	The California SDWA authorizes the Division to: issue citation with assessment of
28	administrative penalties to a public water system for violation or continued violation of
29	the requirements of the California SDWA or any permit, regulation, permit or order



issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or compliance order. The California SDWA also authorizes the Division to take action to suspend or revoke a permit that has been issued to a public water system if the system has violated applicable law or regulations or has failed to comply with an order of the Division; and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with violates an order of the Division. The Division does not waive any further enforcement action by issuance of this citation.

January 31,2017

Ali R. Rezvani, P.

Sacramento District Engineer Division of Drinking Water

STATE WATER RESOURCES CONTROL BOARD

Attachments:

- 1. Public Notification Template
- 2. Proof of Notification Form

Certified Mail No. 7009 2250 0004 3622 0376

cc: County of Nevada, Department of Environmental Health





Attachment A

Instructions for Tier 2 Unresolved Total Coliform Notice Template

Template Attached

Since exceeding the total coliform bacteria maximum contaminant level is a Tier 2 violation, you must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation [California Code of Regulations, Title 22, Chapter 15, Section 64463.4(b)]. Persistent total coliform problems can be serious. Each water system required to give public notice must submit the notice to the State Water Resources Control Board, Division of Drinking Water (DDW) for approval prior to distribution or posting, unless otherwise directed by the DDW [64463(b)].

Notification Methods

You must use the methods summarized in the table below to deliver the notice to consumers. If you mail, post, or hand deliver, print your notice on letterhead, if available.

If You Are a	You Must Notify Consumers by	and By One or More of the Following Methods to Reach Persons Not Likely to be Reached by the Previous Method
Community	Mail or direct delivery ^(a)	Publication in a local newspaper
Water System		Posting (b) in conspicuous public places
[64463.4(c)(1)]		served by the water system or on the
		Internet
		Delivery to community organizations
Non-Community	Posting in conspicuous	Publication in a local newspaper or
Water System	locations throughout the	newsletter distributed to customers
[64463.4(c)(2)]	area served by the water	Email message to employees or
N 54 69 WE'CAT	system (b)	students
		Posting (b) on the Internet or intranet
		Direct delivery to each customer

⁽a) Notice must be distributed to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system.

The notice attached is appropriate for the methods described above. However, you may wish to modify it before using it for posting. If you do, you must still include all the required elements and leave the health effects and notification language in italics unchanged. This language is mandatory [64465].

Multilingual Requirement

The notice must (1) be provided in English, Spanish, and the language spoken by any non-English-speaking group exceeding 10 percent of the persons served by the water system and (2) include a telephone number or address where such individuals may contact the water system for assistance.

⁽b) Notice must be posted in place for as long as the violation or occurrence continues, but in no case less than seven days.

If any non-English-speaking group exceeds 1,000 persons served by the water system, but does not exceed 10 percent served, the notice must (2) include information in the appropriate language(s) regarding the importance of the notice and (2) contain the telephone number or address where such individuals may contact the water system to obtain a translated copy of the notice from the water system or assistance in the appropriate language.

Population Served

Make sure it is clear who is served by your water system -- you may need to list the areas you serve.

Description of the Violation

The description of the violation and the MCL vary depending on the number of samples you take. The following table should help you complete the second paragraph of the template.

If You Take Fewer Than 40 Samples a Month

State the number of samples testing positive for coliform. The standard is that no more than one sample per month may be positive.

If You Take 40 or More Samples a Month

State the percentage of samples testing positive for coliform. The standard is that no more than 5.0 percent of samples may test positive each month.

Corrective Action

In your notice, describe corrective actions you are taking. If you know what is causing the coliform problem, explain this in the notice. Listed below are some steps commonly taken by water systems with a total coliform violation. Use one or more of the following actions, if appropriate, or develop your own:

- "We are chlorinating and flushing the water system."
- "We are increasing sampling for coliform bacteria."
- "We are investigating the source of contamination."
- "We are repairing the wellhead seal."
- "We are repairing the storage tank."
- "We will inform you when additional samples show no coliform bacteria."

After Issuing the Notice

Send a copy of each type of notice and a certification that you have met all the public notice requirements to the DDW within ten days after you issue the notice [64469(d)]. You should also issue a follow-up notice in addition to meeting any repeat notice requirements the DDW sets.

It is recommended that you notify health professionals in the area of the violation. People may call their doctors with questions about how the violation may affect their health, and the doctors should have the information they need to respond appropriately.

It is a good idea to issue a "problem corrected" notice when the violation is resolved.

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.

Tradúzcalo o hable con alguien que lo entienda bien.

Donner Summit Public Utility District – Big Bend Has Levels of Coliform Bacteria Above the Drinking Water Standard

Our water system recently violated a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what you should do, what happened, and what we are doing to correct this situation.

We routinely monitor for the presence of drinking water contaminants. We took **several** water samples to test for the presence of coliform bacteria during **fourth quarter of 2016**, **November 2016**, **and December 2016**. **Several** of those samples showed the presence of total coliform bacteria. The standard is that no more than **one (1)** sample per month may be total coliform-positive, and not samples should be E.coli positive.

What should I do?

- · You do not need to boil your water or take other corrective actions.
- This is not an emergency. If it had been, you would have been notified immediately. Total coliform bacteria are generally not harmful themselves. Coliforms are bacteria which are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.
- Usually, coliforms are a sign that there could be a problem with the treatment or distribution system (pipes). Whenever we detect coliform bacteria in any sample, we do follow-up testing to see if other bacteria of greater concern, such as fecal coliform or *E. coli*, are present. We did not find any of these bacteria in our subsequent testing. If we had, we would have notified you immediately. However, we are still finding coliforms in the drinking water.
- People with severely compromised immune systems, infants, and some elderly may be at increased risk. These people should seek advice about drinking water from their health care providers. General guidelines on ways to lessen the risk of infection by microbes are available from U.S. EPA's Safe Drinking Water Hotline at 1(800) 426-4791.
- If you have other health issues concerning the consumption of this water, you
 may wish to consult your doctor.

What happened? What is being done?

[Describe corrective action]. We will inform you when our sampling shows that no bacteria are present. We anticipate resolving the problem within [estimated time frame].

For more information, please contact [name of contact] at [phone number] or [mailing address].

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.

Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- SCHOOLS: Must notify school employees, students, and parents (if the students are minors).
- RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS (including nursing homes and care facilities): Must notify tenants.
- BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS: Must notify employees of businesses located on the property.

This notice is being sent to you by Donner Summit Public Utility District – Big Bend.			
State Water System ID#:	3100034	Date distributed:	

Attachment B

PROOF OF NOTIFICATION Citation No. 01_09_17C_002

Name of Water System: Donner Summit Public Utility District – Big Bend
Public System Number: 3100034

Certification

As required by Section 116450 of the California Health and Safety Code, we notified the users of the water supplied by the Donner Summit Public Utility District – Big Bend water system of the violation of the Total Coliform Maximum Contaminant Level (MCL) during the fourth quarter of 2016, November 2016, and December 2016. We complied with Citation No. 01_09_17C_002 as indicated below:

Required Action	Completed
Public Notification – Daily Newspaper Notice Public Notification – Mail or Hand Delivery	
Signature of Water System Representative	Date

Please attach a copy of the notice as published in the daily newspaper within the areas served by the system.

THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT

Disclosure: Be advised that Section 116725 and 116730 of the California Health and Safety Code states that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in county jail not to exceed one year, or by both the fine and imprisonment.